

**LEGISLATIVE SERVICES AGENCY  
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**FISCAL IMPACT STATEMENT**

**LS 6723**

**BILL NUMBER:** SB 234

**NOTE PREPARED:** Dec 24, 2003

**BILL AMENDED:**

**SUBJECT:** Discharges into Indiana Waters.

**FIRST AUTHOR:** Sen. Zakas

**FIRST SPONSOR:**

**BILL STATUS:** As Introduced

**FUNDS AFFECTED:** X GENERAL  
DEDICATED  
FEDERAL

**IMPACT:** State & Local

**Summary of Legislation:** The bill makes it a Class B infraction for a person to discharge or throw ballast water, bilge water, rubbish, and certain other kinds of debris from a vessel into: (1) Lake Michigan; (2) any area of the Port of Indiana-Burns Waterway Harbor; (3) the Ohio River; or (4) an area of any other port under the jurisdiction of the Indiana Port Commission ("the Commission"). The bill requires a person who needs to discharge or otherwise dispose of a substance from a vessel to discharge or dispose of the substance into a facility provided by the Commission. The bill also requires the Commission to assist the person in contacting an appropriate disposal facility if the Commission does not provide a suitable facility for the discharge or disposal.

**Effective Date:** July 1, 2004.

**Explanation of State Expenditures:** This bill should have no fiscal impact on the Indiana Port Commission as the agency currently carries out the provisions of this bill via rule in the Indiana Administrative Code.

**Explanation of State Revenues:** *Penalty Provision:* The bill makes it a Class B infraction if a person discharges or disposes of certain wastes into Lake Michigan, the Ohio River, or any other waters of a port under the jurisdiction of the Commission. If additional court cases occur, revenue to the state General Fund may increase if infraction judgments and court fees are collected. The maximum judgment for a Class B infraction is \$1,000 which is deposited in the state General Fund. If court actions are filed and a judgment is entered, a court fee of \$70 would be assessed. 70% of the court fee would be deposited in the state General Fund if the case is filed in a court of record or 55% if the case is filed in a city or town court.

**Explanation of Local Expenditures:**

**Explanation of Local Revenues:** *Penalty Provision:* If additional court actions are filed and a judgment is entered, local governments would receive revenue from the following sources: (1) The county general fund would receive 27% of the \$70 court fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. If the case is filed in a city or town court, 20% of the court fee would be deposited in the county general fund and 25% would be deposited in the city or town general fund. (2) A \$3 fee would be assessed and, if collected, would be deposited into the county law enforcement continuing education fund. (3) A \$2 jury fee is assessed and, if collected, would be deposited into the county user fee fund to supplement the compensation of jury members.

**State Agencies Affected:**

**Local Agencies Affected:** Trial courts, local law enforcement agencies.

**Information Sources:** Indiana Port Commission rule 130 IAC 4-1-18, Indiana Administrative Code.

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